

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ZINUS INC., a California Corporation,
Plaintiff,

v.

SIMMONS BEDDING CO, a Delaware
Corporation, and DREAMWELL, LTD, a
limited liability company of Nevada
Defendants.

DREAMWELL, LTD, a limited liability
company of Nevada
Counterclaimant

v.

ZINUS INC., a California Corporation,
Counterclaim Defendant

Case No.: C 07- 3012 PVT

**ORDER AFTER CASE
MANAGEMENT CONFERENCE**

On September 18, 2007, the parties appeared before Magistrate Judge Patricia V. Trumbull for a Case Management Conference. It became clear to the Court that some preliminary motions work is appropriate before scheduling the normal patent case dates.

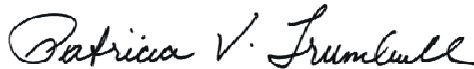
The Defendants have already filed a motion to dismiss, currently set for hearing on October 9, 2007. The Plaintiffs have yet to oppose that motion. The Defendants have also requested to file another motion for early hearing concerning what they believe to be a non-

1 infringing product.

2 The Court agrees that the early hearing of these two motions will benefit the progress of
3 this case. Thus, IT IS HEREBY ORDERED that:

- 4 1. Defendants' currently pending motion to dismiss shall be heard on
5 October 16, 2007 at 10:00 a.m.;
- 6 2. Defendants' anticipated second motion shall be filed prior to October 16,
7 2007 hearing date in order to allow the parties to discuss, and the court to
8 set, dates for opposition, reply and hearing of that motion;
- 9 3. A Further Case Management Conference, and all other dates shall be set
10 after the hearing on October 16, 2007; and
- 11 4. The deadline for serving Preliminary Infringement Contentions under
12 Patent Local Rule 3-1 shall not begin to run until after the Further Case
13 Management Conference is held.

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15 Dated: September 19, 2007



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17 PATRICIA V. TRUMBULL
United States Magistrate Judge